

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

David M. Loflin
Licensee of Station WKNI-LP/W49BM
Andalusia, Alabama
Facility ID # 15775

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Case Number. EB-05-OR-006
NAL/Acct. No. 200532620004
FRN 0011734290

FORFEITURE ORDER

Adopted: July 26, 2005

Released: July 28, 2005

By the Regional Director, South Central Region, Enforcement Bureau:

1. In this *Forfeiture Order* (“*Order*”), we issue a monetary forfeiture in the amount of four thousand dollars (\$4,000) to David M. Loflin, licensee of Station WKNI-LP/W49BM,¹ for willful and repeated violation of Section 73.1350(a) of the Commission's Rules (“*Rules*”)² by failing to operate the station in accordance with the terms of its station authorization. The noted violation involves Mr. Loflin’s operation of Station WKNI-LP on TV channel 25, instead of its assigned TV channel 49.

2. On May 9, 2005, the District Director of the Commission’s New Orleans Field Office (“*New Orleans Office*”) issued a *Notice of Apparent Liability for Forfeiture* (“*NAL*”) in the amount of \$4,000 to Mr. Loflin.³ Mr. Loflin has not filed a response to the *NAL*. Based on the information before us, we affirm the forfeiture.

3. **ACCORDINGLY, IT IS ORDERED** that, pursuant to Section 503(b) of the Communications Act of 1934, as amended (“*Act*”),⁴ and Sections 0.111, 0.311 and 1.80(f)(4) of the Commission’s Rules,⁵ David M. Loflin **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$4,000 for willfully and repeatedly operating a station on an unauthorized channel in violation of Section 73.1350(a) of the Rules.

4. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within 30 days of the release of this *Order*. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.⁶ Payment of the forfeiture must be made by check or similar instrument, payable to the order of the

¹The assigned call sign for this station was changed from W49BM to WKNI-LP on January 21, 2005.

²47 C.F.R. § 73.1350(a).

³*Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200532620004 (Enf. Bur., New Orleans Office, released May 9, 2005).

⁴47 U.S.C. § 503(b).

⁵47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4).

⁶47 U.S.C. § 504(a).

Federal Communications Commission. The payment must include the NAL/Acct. No. and FRN No. referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 358340, Pittsburgh, PA 15251-8340. Payment by overnight mail may be sent to Mellon Bank /LB 358340, 500 Ross Street, Room 1540670, Pittsburgh, PA 15251. Payment by wire transfer may be made to ABA Number 043000261, receiving bank Mellon Bank, and account number 911-6106. Requests for full payment under an installment plan should be sent to: Chief, Revenue and Receivables Group, 445 12th Street, S.W., Washington, D.C. 20554.⁷

5. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by First Class Mail and Certified Mail Return Receipt Requested to David M. Loflin at his address of record.

FEDERAL COMMUNICATIONS COMMISSION

Dennis P. Carlton
Regional Director, South Central Region
Enforcement Bureau

⁷See 47 C.F.R. § 1.1914.